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JAN 14 2004

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MUNEO, SAKURADA

Group Art Unit: 3743

Serial No. 09/980,623

Examiner: FLANIGAN, ALLEN

Filed: 12/05/01

Title: HEAT EXCHANGER

FACSIMILE TRANSMISSION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Submitted: 01/14/04

ATT: OFFICE OF PETITION

Dear Sir:

In accordance with your telephone conversation today, transmitted herewith a copy of renewed petition under rule 181 filed on 08/20/03 and receipt thereof, total 15 pages including this cover page.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (703)872-9306 on January 14, 2004.

  
Satoru Takeuchi

Reg. No. 53,670

Agent for Applicant

Date: 01/14/04

KANESAKA & TAKEUCHI

1423 Powhatan Street

Alexandria, VA 22314

Tel: (703)519-9785

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JAN 14 2004

**OFFICIAL**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Muneo Sakurada      Technology Center: 3700  
Serial No. 09/980,623      Attention: Richard A. Bertsch  
Fed: 12/05/2001      Director  
Title: HEAT EXCHANGER

RENEWED PETITION UNDER RULE 181

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

We have received Decision on Petition mailed July 28, 2003, dismissing the petition filed March 4, 2003. The decision states that the petition did not comply with item (1). The item (1) calls for a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

In reply thereto, I hereby attest to the fact that a search of the file jacket and docket records (Exhibit 1 as filed March 4, 2003) indicates that the Office communication was not received.

Since we did not receive a filing receipt for this case almost one year after filing, we checked the file jacket and learned that the Combined Declaration for Patent Application and Power of Attorney prepared by Japanese council and executed in Japan on October 16, 2001, used the 727 S 23<sup>rd</sup> Street address (hereinafter "old address");

Application No.: 09/980,623

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however, the application transmittal letter signed by me,  
applicant's agent, and filed on December 5, 2001, when this  
application was filed in the USPTO, gives the current  
address, 1423 Powhatan Street, Alexandria, VA 222314,  
(hereinafter "current address"). A copy of which is  
attached hereto as Exhibit-2.

MPEP 601.03 provides that the correspondence  
address must either be in an application data sheet (37 CFR  
1.76) or in a clearly identifiable manner elsewhere in any  
papers submitted with the application filing.

As set forth above, I specified the  
correspondence address in the application transmittal  
letter in a clearly identifiable manner. See Exhibit-2.

Further, a Preliminary Amendment (Exhibit-3)  
concurrently filed with the application shows my correct  
address as of the filing date of this application.

I reason that these two statements made by the  
applicant's agent of record on the date that the  
application was filed supersedes the previous applicant  
statement in the Power of Attorney but, in order to make it  
clear, as stated in the original petition, we filed a  
change of address on November 11, 2002, which predates the  
Notice of Abandonment mailed on February 7, 2003.

The decision further states, "it is unclear that  
petitioner has made a showing that the Office Action mailed  
July 26, 2002, was not received at the 727 S 23<sup>rd</sup> Street  
address.

In reply thereto, I hereby state that my office,  
Kanesaka & Takeuchi, moved out from the old address in the  
middle of May 1998 so that I was not at the old address at  
that time already. In fact, Mr. Masazumi Mori, Japanese  
patent attorney for this case, sent this application to us

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at the current address on November 19, 2001. A copy of the order letter is attached as Exhibit-4.

Therefore, it is apparent that we did not receive the Office Action at the old address or 727 S 23<sup>rd</sup> Street because I no longer had an office at the old address. I presume that the Post Office returned the mail to the USPTO. A check of the application file would have detected my address as given in the letter of transmittal or the Preliminary Amendment which accompanied the application at the time of filing.


## ACTION REQUESTED

In view of the above, applicant respectfully requests that the Office withdraw the holding of abandonment and remail the Office action originally dated July 26, 2002, and thereby set a new date for response thereto.

Respectfully submitted,

August 20, 2003

KANESAKA & TAKEUCHI  
1423 Powhatan Street  
Alexandria, VA 22314  
Tel: (703)519-9785

  
Yusuke Takeuchi  
Reg. NO. 30,921  
Agent for Applicant

## RECEIPT

Docket No.: *R0108T*  
Serial No.: *09/980,623*  
Filed: *12/05/01*  
Enclosed is:



- ☐ Specification (      pages)
- ☐ Drawings (      sheets)
- ☐ Declaration with Power of Attorney
- ☐ Assignment of the Invention
- ☐ Priority Documents (      copies)
- ☐ Information Disclosure Statement
- ☐ Petition for Time Extension
- ☐ Amendment (      pages)
- ☐ Corrected Drawings (      sheets)
- ☐ Issue Fee Transmittal
- ☐ check in the amount of \$ \_\_\_\_\_

☒ Others *Renewed petition under rule 1.21*

EXHIBIT 1

# COMPOSITION BOOK

100 SHEETS • 9 3/4 in. x 7 1/2 in.

受領 ) - 1 RECEIT NOTE

**Pen-Tab**Pen-Tab Industries, Inc.  
Front Royal, Virginia 22630  
Virginia • Chicago • Los Angeles

MB100/50101

DATE RECEIVED	APPLICATION NO.	DOCKET NO.	MAILING DATE	OFFICE LETTER
7/25/02	09/582,647	K-1909	7/22/02	Notice of Allowance
"	10/190,610	D-1330	7/23/02	Notice to file missing parts
"	10/180,970	D-1314	7/22/02	Notice to file missing parts
"	09/912,480	D-1117	7/23/02	Notice of Allowance
7/29/02	09/633,103	B 9902 T	7/25/02	Notice of Allowance
"	09/943,001	S 0101 T	7/24/02	Office Action
"	09/847,646	D-1109	7/25/02	"
"	09/935,736	D-1149	7/29/02	Notice of Allowance
"	09/793,728	D-1077	7/25/02	Notice of Abandonment
"	09/655,445	D-1018	7/26/02	"
"	10/098,309	K-2042	7/26/02	Notice of Allowance
"	29/163,047	D-1312	7/25/02	Notice of File Missing
"	10/180,983	D-1296	7/25/02	"
7/31/02	09/715,062	D-1015	7/29/02	Action
8/1/02	09/806,057	R 0102 T	7/30/02	Notice of Abandonment
"	USD 460,975 S		7/30/02	Patent
"	US 6,426,988 B2	D-1061	7/30/02	"
"	09/475,270	K-1872	7/29/02	Notice of Allowance
"	09/901,703	D-1130	7/27/02	Action
"	09/789,843	K-1965	7/30/02	"
"	09/771,712	D-1055	7/30/02	"
"	09/771,711	D-1056	7/30/02	"
8/2/02	09/780,605	K-1961	7/30/02	Notice of Allowability
"	09/775,808	D-1073	7/30/02	Action
"	09/870,459	H 0123 T	7/30/02	"
8/5/02	10/194,963	K-2064	7/31/02	File missing
"	29/163,524	D-1311	8/2/02	"

8/5/02	09/671,830	K-1925	8/2/02	Allowance
"	09/993,505	K-2025	8/2/02	ACTION
"	09/686,871	D-1013	8/2/02	"
8/6/02	10/185,733	K-2062	8/5/02	File missing
"	10/078,449	D-1012CA	8/5/02	Allowance
8/8/02	29/149,741	D-1188	8/6/02	Notice of Allowance
"	6,428,016	D-1038	8/6/02	Letters Patent
"	6,427,935	D-928	8/6/02	"
"	6,427,297	D-1017	8/6/02	"
"	6,427,471	D-1074	8/6/02	"
"	6,430,366	K-1616CA	8/6/02	"
"	6,429,587	K-1990	8/6/02	"
"	6,428,095	K-1746	8/6/02	"
"	09/664,730	K-1813CP	8/5/02	Final Action
8/9/02	10/189,191	D-1322	8/7/02	File missing
"	10/190,601	D-1292	8/7/02	"
"	29/164,048	D-1324	8/7/02	"
8/12/02	09/845,185	K-1976	8/9/02	Action
"	09/739,400	K-1949	7/29/02	Notice of Allowance
"	09/647,498	K-1929	8/9/02	"
"	10/190,608	D-1329	8/9/02	Notice to File Missing Parts
"	29/164,031	D-1323	8/8/02	"
"	10/189,200	D-1321	8/8/02	"
"	09/527,819	D-917	8/9/02	Advisory Action
"	09/644,793	K-1825CIP2	8/8/02	"
8/14/02	10/190,609	D-1328	8/12/02	File missing
"	09/031,824	K-1705	8/12/02	Allowance



**COPY****EXHIBIT 2**

FORM PTO-1390 (REV. 3-93)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADE MARK OFFICE	ATTORNEY'S DOCKET NUMBER
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			R0108T
INTERNATIONAL APPLICATION NO. PCT/JP00/01935			U.S. APPLICATION NO. (If known, see 37 CFR 1.3) N/A
INTERNATIONAL FILING DATE March 29, 2000		PRIORITY DATE CLAIMED July 19, 1999	
TITLE OF INVENTION HEAT EXCHANGER			
APPLICANT(S) FOR DO/EO/US Muneo SAKURADA and Soichi KATO			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).</li> <li><input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</li> <li><input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <li><input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li><input checked="" type="checkbox"/> has been transmitted by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input checked="" type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</li> <li><input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <li><input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li><input type="checkbox"/> have been transmitted by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li><input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>			
Items 11. to 16. below concern other document(s) or information included:			
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.			
12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.			
13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.			
14. <input type="checkbox"/> A substitute specification.			
15. <input type="checkbox"/> A change of power of attorney and/or address letter.			
16. <input type="checkbox"/> Other items or information:			

U.S. APPLICATION NO. (U.S. Patent No. 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
N/A		PCT/JP00/01935		R0108T	
17. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS	
Basic National Fee (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO..... \$830.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) ..... \$640.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).. \$710.00  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$950.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)..... \$90.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				\$ 890	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
Claims	Number Filed	Number Extra	Rate		
Total Claims	10 -20 -	0	X \$22.00	\$ 0	
Independent Claims	1 -3 -	0	X \$74.00	\$ 0	
Multiple dependent claims(s) (if applicable)			+ \$230.00	\$ 0	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 0</b>	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$	
<b>SUBTOTAL =</b>				<b>\$</b>	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 890</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 40	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 930</b>	
				Amount to be: refunded \$ charged \$	

- a. ☒ A check in the amount of \$ 930 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 20-0060. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

KANESAKA & TAKEUCHI  
 1423 Powhatan Street  
 Alexandria, VA 22314  
 Attn: Yusuke Takeuchi  
 Tel: (703) 519-9785  
 Fax: (703) 519-7769

SIGNATURE

Yusuke Takeuchi

NAME

30,921

REGISTRATION NUMBER

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JAN 14 2004

EXHIBIT-3

**OFFICIAL**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SAKURADA, M

Group Art Unit: N/A

Serial No. N/A

Examiner: N/A

Filed: 12/06/01

Title: HEAT EXCHANGER

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents Submitted: 12/06/01  
Washington, D.C. 20231

Dear Sir:

Please amend the above-identified patent  
application as follows:

In the Claim:

Please amend claims 4-6 to read as follows:

--4. (Amended) The heat exchanger according to  
claim 1 or 2, wherein the two or more heat exchangers  
disposed in parallel have a space of 15 mm or less between  
them.

5. (Amended) The heat exchanger according to  
claim 1 or 2, wherein one of the heat exchangers is a  
condenser and the other is a radiator.

6. (Amended) The heat exchanger according to  
claim 1 or 2, wherein the two or more heat exchangers are  
integrally configured using a common member.--

REMARKS

Application Number: N/A

page 2

Art Unit: N/A

This amendment is to avoid multiple  
depending claims which are dependent upon another  
multiple depending claim.

Respectfully submitted,



Yusuke Takeuchi

Reg. No. 30,921

Agent for Applicant

Date: 12/05/01

KANESAKA & TAKEUCHI  
1423 Powhatan Street  
Alexandria, VA 22314  
Tel.: (703) 519-9785

Application Number: N/A

page 3

Art Unit: N/A

VERSION WITH MARKINGS TO SHOW CHANGES MADE

--4. (Amended) The heat exchanger according to [any of claims 1 to 3] claim 1 or 2, wherein the two or more heat exchangers disposed in parallel have a space of 15 mm or less between them.

5. (Amended) The heat exchanger according to [any of claims 1 to 4] claim 1 or 2, wherein one of the heat exchangers is a condenser and the other is a radiator.

6. (Amended) The heat exchanger according to [any of claims 1 to 5] claim 1 or 2, wherein the two or more heat exchangers are integrally configured using a common member.--

**MORI PATENT OFFICE**

9-10 HONCHO 2-CHOME  
NAKANO-KU, TOKYO 164  
JAPAN  
TEL. (03) 3373-9510  
FAX (03) 3372-3981

EXHIBIT-4

Mr. Yusuke Takeuchi  
KANESAKA & TAKEUCHI  
1423 Powhatan Street  
Alexandria, VA 22314  
U.S.A.

November 19, 2001

Re: U.S Patent Application corresponding to PCT/JP00/01935  
Zexel Valeo Climate Control Corporation  
Our Ref.: P-451

Dear Mr. Takeuchi,

In connection with the above-mentioned international application, we hereby request you to take necessary steps for entry into the national phase before the USPO by January 19, 2002 the latest.

**PARTICULARS**

**TITLE: HEAT EXCHANGER**

**ASSIGNEE:**

Zexel Valeo Climate Control Corporation  
39, Aza-Higashihara, Oaza-sendai, Kohnan-machi, Oosato-gun, Saitama  
360-0193, Japan

(Note: Assignee's name and address have been changed to the above mentioned from Bosch Automotive System Corp.)

**INVENTORS:**

Muneo SAKURADA  
Soichi KATO  
c/o Zexel Valeo Climate Control Corporation  
39, Aza-Higashihara, Oaza-sendai, Kohnan-machi, Oosato-gun, Saitama  
360-0193 Japan

**INTERNATIONAL APPLICATION NO.: PCT/JP00/01935**

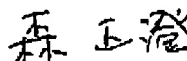
INTERNATIONAL FILING DATE: Mar. 29, 2000

PRIORITY: Japan Patent App. No.11-204354(Jul.19, 1999)

DOCUMENTS HERewith: 1. English translation  
2. Drawings  
3. International Search Report  
4. Cover sheet of WO publication  
5. Notification of the recording of a change  
6. Floppy disk  
7. Declaration/Power of Attorney

Please kindly acknowledge your receipt of this letter and enclosures by facsimile.

Very truly yours,



Masazumi Mori

Encls.